

REGISTER OF ACTIONS[CASE No. D-1113-CV-2017-00152](#)**Sadie Livingston v. Safeway Insurance Company**§
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§Case Type: **Tort Auto**
Date Filed: **04/07/2017**
Location:
Judicial Officer: **Bennett, Lyndy D.****PARTY INFORMATION**

Defendant	Safeway Insurance Company	Attorneys
Plaintiff	Livingston, Sadie	Amanda Lucero <i>Retained</i> 505-242-7979 x339(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS		
04/07/2017	Cause Of Actions	Tort: Property Damage Auto
	Action Type	Action
04/07/2017	OPN: COMPLAINT	
	<i>Complaint for Declaratory Judgment</i>	
04/07/2017	Summons	
	Livingston, Sadie	Unserved

FINANCIAL INFORMATION

	Plaintiff Livingston, Sadie	
	Total Financial Assessment	117.00
	Total Payments and Credits	117.00
	Balance Due as of 05/24/2017	0.00
04/07/2017	Transaction Assessment	117.00
04/07/2017	File & Serve Payment Receipt # GALD-2017-616	(117.00)
	Livingston, Sadie	

STATE OF NEW MEXICO
COUNTY OF MCKINNLEY
ELEVENTH JUDICIAL DISTRICT

SADIE LIVINGSTON,

Plaintiff,

v.

D-1113-CV-2017-00152

SAFEWAY INSURANCE COMPANY,

Defendant.

COMPLAINT FOR DECLARATORY JUDGMENT

Plaintiff, by and through counsel, Ron Bell Injury Lawyers (Amanda R. Lucero), hereby submits her Complaint respectfully stating as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff Sadie Livingston (“Ms. Livingston”) is a resident of McKinley County, New Mexico.

2. Defendant Safeway Insurance Company (“Safeway”), is a foreign corporation and is authorized to transact business in the State of New Mexico and may be served with process by delivery of summons and a true and accurate copy of this Complaint to the Office of Superintendent of Insurance, P.O. Box 1689, Santa Fe, NM 87504-1689.

3. This Court has jurisdiction over the parties and subject matter of this litigation.

4. This Court is the appropriate venue for resolution the of all disputes as between the parties hereto.

GENERAL ALLEGATIONS

5. On or about December 9, 2016, in McKinley County, New Mexico, Ms. Livingston hit by a drunk driver, Sharon Thomas, and pushed into another vehicle.

6. Sharon Thomas was at fault for the collision on December 9, 2016.

7. At all times pertinent hereto, Plaintiff exercised an appropriate degree of care for her own safety.

8. The acts of Sharon Thomas were the direct and proximate cause of the subject collision and Plaintiff's resulting injuries and damages.

9. Sharon Thomas is an uninsured motorist as defined by policies of insurance issued by Safeway.

10. At the time of the collision which is the subject of this litigation, the vehicle being driven by Ms. Livingston was insured under Safeway automobile insurance Policy # 1563349NMPP.

11. Safeway claims the uninsured motorist coverage was rejected on the vehicle in the crash.

DECLARATORY JUDGMENT

12. Plaintiffs request the Court to declare the rights, status and liabilities of the parties under insurance coverage provided by Safeway pursuant to the Declaratory Judgment Act, NMSA 1978 § 44-6-1 through 15, et seq. and find that underinsured motorist coverage exists for the Plaintiff on all policies issued to her by Safeway.

13. Plaintiffs seek by this action to recover the full extent of the uninsured motorist policy issued by Safeway covering the 2001 Toyota Rav4 which was involved in the collision as well as two other vehicles listed on the policy for the injuries and damages she sustained in the subject collision.

14. Plaintiff has fully and completely complied with all applicable terms and conditions contained in the Safeway insurance policy which is the subject of this litigation.

PRAYER

WHEREFORE, the Plaintiff respectfully prays this Court for relief as follows:

- (a) For judgment declaring the rights and liabilities of the respective parties as to insurance coverage provided by Safeway to Plaintiff as described more fully above;
- (b) For Plaintiff's costs incurred in pursuit of this action including attorney's fees to the extent permitted by law; and
- (c) For any and all relief to which it may appear the Plaintiff is entitled including trial by jury.

Respectfully submitted by:

RON BELL INJURY LAWYERS

/s/ Amanda R. Lucero
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